ASHEVILLE, N. C., SATURDAY AFTERNOON, AUGUST 28, 1909.

# BREESE AND DICKERSON CONVICTED; SENTENCED

### TWO YEARS IN PENITENTIARY Mystery at House of Harriman AND FINES OF \$2500 IMPOSED

sired to close up the record and con-

prison and a fine of \$10,000. Then

After passing sentence Judge New-

their patience and wished them a hap-

The Jury.

transpired in the jury room it is said

members of the jury said that the five

Penland Case Not Considered.

The jury in returning its verdict did not consider Mr. Penland, who was

Major Breese. They eliminated Mr.

verdict and dismissing the jury the

time for arguing the motion in arrest

in the sum of \$5000 for each defend-

Mr. Holton Concludes.

In concluding his three hours

apply the law as it comes from his

ity; the act is done. We find from

as an agreement between two or more

persons to do an illegal act. While

parties might conspire to do an illegal

act, yet to complete the conspiracy it

show it. He read the United States

District Attorney Holton left this

the twelve men thanked 'them

families and their loved ones well.

tinuing said: "Let the defendants I

Jury Returns Verdict After 16 Hours—Mercy Recommended— CURTISS WINNER and It Is Understood He Will Accept Final Judgment of the Courts in the Other Cases.

MOTION IN ARREST OF JUDGMENT, FOR NEW TRIAL. WILL BE ARGUED BEFORE JUDGE NEWMAN SEPT. 14

The Defendants Held to Bond in Sum of \$5000 Each-The Jury Took Three Ballots Before Arriving at Verdict in the Case to Which They Have Given Daily Attention Since July 26, or for Exactly Five Long Weeks.

"G UILTY." sired to continuing so spoken bye Foreman Garren Maj. Breese and Mr. Dickerson and there was an instant arose and standing erect faced the hush. Then, a moment later, and amid the stillness, that the law had imposed upon him. He referred to the fact that under the law the maximum punishment for the for five long weeks has offense was two years in the federal of the long weeks has listened to the evidence and facing the defendants he said: the argument in the trial of in the federal prison at Atlanta for a Maj. William E. Breese and term of two years each and pay a fine Joseph E. Dickerson, charged of \$2500 each." by the government of the Unit- man turned to the jury and addressing ed States with conspiracy to defraud the First National py return to their homes with the Bank of Asheville, added: prayer that they might find their "We desire to recommend the

mercy of the court." The verdict of the jury this was composed of the following named gentlemen: John Garren, foreman of Transylvania; W. T. Carson of Transylvania; W. T. Carson of Transylvania, Frank W. Cole of Transylvania, and true men chosen by the M. D. Bradshaw of Swain, J. C. Mcgovernment and the defendants to pass upon the guilt or the innocence of the two bankers; the two men officially identified with the First National Bank of Asheville at the time that three ballots were taken before of its failure here twelve years they arrived at their verdict. The ago. The long-drawn out case; weeks had been a trying period with the stubbornly contested case, them; that they had, however, been very comfortably cared for and that they felt they had done their full dunoon at 5:30 o'clock with ty. Judge Newman's charge. The jury deliberated during the late afternoon and for a time indicted along with Mr. Dickerson and aviation contest, in a bi-plane of his last night but failed to agree Penland under instructions of the and at 10 o'clock Judge Newnot on trial. Relative to the status and won the Grand Prix De La Chapter man, who returned to the court of the Penlanc case it is said that understanding or agreement between representatives of the light officially recorded as ment between representatives of the be locked up for the night, government and the accused Mr. Pen-This morning about 9 o'clock a report went forth that the After the formality of taking the

counsel for the defense. The news spread and within 30 minutes a number of persons had gathered at the court room.

a report went forth that the

jury had agreed. Judge New-

the district attorney and the

man was informed and likewise of judgment and for a new trial was

ant.

Early Agreement a Surprise.

The early agreement of the jury was admittedly a bad omen for the ants were not unprepared for the verdect. "Their words condemn them," diet. The jury filed into the court a few minutes before 10 o'clock, and at the same time Judge Newman entered money out of the bank without securdefense and apparently the defendand court was formally opened. Maj. Breeze and Mr. Dickerson, to whom their own mouths that every the verdict of the jury meant so much of the continuance of the long suilty" and a continuance of the long suilty" and a continuance of the long suilty" had a continuance of the long suilty" had a continuance of the long suilty need a very hard fight if "guitty"—entered and thoughtful and masterly charge to the jury; a charge cool and dispassionate, and one which reflected serisionate, and one which reflected serisionate, and one which reflected serisionate.

"Gentlemen of the jury, have you ous thought and careful preparation, arrived at your verdict?" asked Judge "We have," replied Foreman Ger-

"As to one or both of the defend-ants?" asked the court. "Both," again came the reply.

What is your verdicti" from the

court.

"Guilty," said Poreman Garren.

"We ask the mercy of the court."

The verdict of the jury was received by Maj. Breese and Mr. Dickerson without the quiver of a muscle. They sat there unmoved. Judge Moore of counsel for the defense arose and asked that the jury be polled. Judge Moore of and asked that the jury be polled. Judge Newman compiled with the request and as the names of each juror was called the juror arose and in reply to the question: "Is that your verdict?" said, "yes."

Workmen Threw Lighted Cigarette incharges that the bill of indictment days in director of the First National bank of Asheville did conspired and alwayract money, funds and credits of the bank to defraud R. R. Rawls and alwayract money, funds and credits of the bank to defraud R. R. Rawls and others too numerous to mention. The judge then explained that while the bill of indictment jointly charges all three with conspiracy and embezall mands of the property of the bill of indictment jointly charges all three with conspiracy and embezall mands of the property of the bill of indictment jointly charges and the property of the property of the property of the bank to defraud R. R. Rawls and others too numerous to mention. The judge then explained that while the bill of indictment jointly charges and the property of the bank to defraud R. R. Rawls and others too numerous to mention. The property of the bank to defraud R. R. Rawls and others too numerous to mention. The property of the bank to defraud the property of the explosion yesterday noon of the property o revised statutes covering conspiracy, and stated that the bill of indictment

He Makes a Lapin 7:57:2-5-Bleriot Pushed Him Close, Losing by 2-5 of a Second.

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Betheny, Aviation Field, Rheims, Aug. 28.-Glenn H. Curtiss, the only American avlator at Betheny, today won the most important event of aviation week. He covered two laps of the course, 12.42 miles, in 15 minutes, 50 3-5 seconds, or at the rate 47.65 miles an hour. Blerlot, his most formidable competitor, made the distance in 15 minutes, 56 1-5 seconds; La-

Betheny Aviation Field, Rheims Aug. 28 .- (Bulletin) -- Bleriot made a round in the lap contest in minutes, 47 4-5 seconds. This is the worlds record for distance. Curtiss beat the time for the lap made in competition for the international cup

in seven minutes, 53 1-5 seconds. Betheny Aviation Field, Rheims Aug. 28.-Glen H. Curtiss, the American aviator started at 10:45 ,this morning in the international cup race. He completed the first round in minutes, 57 2-5 seconds. He made The jury that tried the bank cases

Before starting in the contest, Curtiss made a trial heat in 7 minutes 55 1-5 seconds. All three rounds deaviators. Bleriot, one of the French ontestants, started in the contest soon after the Curtiss machine was in the neld and made a trist round in 7 min-utes, 58 1-5 seconds.

DeLagrange Gets a Fall.

As Leon DeLagrange was turning the first pylon in the course of an exhibition aeroplane flight today, the propeller of his machine broke from its shaft and the aeroplane fell heavily to the ground. Fortunately, the height at the time did not exceed 26 feet. DeLagrange was badly bruised

Farnum Wins One Trophy.

Henry Farnum, the English aviator, a hitherto unknown quantity in the for duration of flight and distance in hours, four minutes, 56 2-5 seconds.

He actually covered an extra ten kilometers and remained in the air ten minutes after 7:30 o'clock this afternoon the hour that the timekeepers under the rules, ceased to keep a record of the flight. The other contestants finished in

considered and September 14 agreed upon. Judge Newman required bond the order named: Hubert Latham, diminishing in Louis Paulhan, Count De Lambert, Hubert Latham, M. Tissandier, Roger Sommer, M. Delagrange, M. Bieriot, afternoon for his home in Winston- Glenn H. Curtiss, M. Lefbyre.

Bicriot's Flight.

Betheny Aviation Field, Rheims Aug. 28 .- Bierlot has made his flight for the international cup. He covered speech yesterday, afternoon. District a round in 7 minutes, 53 3-5 seconds, Attorney Hollon asked the jurors to two-fifths of a second behind Curtiss' best time for a lap. His time for two which is due to reach the eastern honor, and carefully consider the evi- laps is given officially as 15 minutes, 56 1-5 seconds, five seconds slower than Curtiss' time for the full distance. Latham has not started and consequently Burtiss is winner in this great

Farman's victory was a complete surprise. He had been preparing his machine secretly and had not appeared upon the field except for afew practice flights, and had been almost

### The Judge's Charge. Judge Newman defined conspiracy TEN PERSONS KILLED is necessary for an act to be done to

Penland, though he is not on trial. It takes two to effect a conspiracy, if Breese and Penland conspired, or Dickerson and Penland conspired, you can return against either Breese or Dickerson or both of them, if you find them guilty; and if you find that Breese and Dickerson conspired with each other, you can find them guilty; and if you find them guilty.

Is Scented by Alert Reporters



Is The Promise of Forecaster - Texas Efforts Are Directed to Preventing a Recurrence of Rioting and Storm Passes Inland-An-

other Coming.

Aug. 28,-White the storm, which struck the Texas coust yesterday, has passed inland near the intensity so that no further concern the weather but as of a severe storn closely the pre-Andros islands and reported frear which is head- | toward the east coast of Florida.

Jupiter and Miami, Pla. The fore enster at the we ather bureau promfrom the northwest states by tomorrow night. Next week expected to be very comfortable along the Atlantic coast

The Worst Feared. Washington, Aug. 28,-The Keeper cw at Tarpon Beach. and life saying Hed to abandon their Tex., were comstation yesterd k that section of the crew rescued all the gulf coast, The station, transferring them in surf boats to babell station, where they are reported to be in dangerous condition Waltace L. Reed, keeper at Rray s life maving station. at Isabell, conveyed this information the office of the life in a telegram to received from superintendent of serfice at Galveston telegraphs that he fears the worst."

MOB LOOKS FOR NEGRESS: WILL PROBABLY LYNCH HER

Otherwise Quiet Is Reigning in Vicin ity of Soporton, Ga., Today.

Macon, Ga., Aug. 28,-Advices from Soporton, Ga., where the escaped con-vict, Ben Clark, was shot to death last evening, after he had killed one man and wounded two others, indiente that everything is quiet today. A posse is still searching for the wife of John Swinnie, a negro, who was lynched by the mob for sheltering Clark, and if she is captured it is thought she will be lynched.

THE WEATHER.

Forecast until \$ p. m., Sunday, for Asheville and vicinity: Fair weather tonight; Sunday partly cloudy and slightly cooler.

E H. HARRIMAN TO THE PEPPOPTERS, HELLOLOUSE Preparations Underway for Something Bloodshed.

Possibly a Surgical Operation.

They Think.

rations were under way at the home

of E. H. Harriman for some unusual

Whether this event was to be

surgical operation or oply a consulta-

at this time that cannot be definitely

From a man employed at the Har-

riman house it was learned that one

of the large rooms in the big struc

ture is being made ready for occu-

More indirect evidence from mer

about the house and grounds today

fails to strengthen the belief that th

financier's condition is worse than I

Rev. Dr. McGuinest of the Epise

at church at Chester, who spent an

lain with Harriman, said he found

Harriman much better than he ex

perced. He would not ray anything about a possible operation. The fact

on markedly professional went to the

among a host of contradictions from members of the household. The iden-

tit) of these visitors is still a mystery. Jacob Schiff was brought down

train for New York. He said he had talk with Harriman and denied that

Harriman was in such condition that an operation was necessary. No oper-

ation was contemplated, Schiff said, He said he bat on the porch and talk-

ed with Harriman and did not consid

Friend of Harriman Talks.

New York .Aug. 28 .- A close as

clate of Harriman in this city said to-

day that it was not true that prepara-

tions were being made for an opera-tion on Harriman. This gentleman said he had heard from Arden this morning and that Harriman was "feel-ing well." As to whether there was

rom the Harriman house and

or that he was seriously ill.

that five strangers whose appearan-

was when he arrived from Europe.

man household.

Pittsburg. Aug. . 28.-Redoubling their vigilance throughout the strike district of the Pressed Steel Car com-Grande river and is pany at McKee's Rocks, Pennsylvania state troopers are taking every prea being caused by it, caution to prevent a recurrence; of au today is watching rioting and bloodshed.

Admittedly the situation is extremely The wholesale desertions of imported workmen yesterday and subsection of stories told by men of alleged tion of physicians, or whether the apas are displayed at brutality accorded them isside the parently significant happenings of the York; but he did stop it, and so it is plant, has serve do create a decid- past 24 hours have no bearing at all with the contest people. A contestant edly unfavorable impression and re-scatment among strikers and their railroad magnate, is something that He is satisfied that he has enough ympathizers · · ·

special police are content to remain Ugly Stories.

Stories told by the workmen who ave quit their jobs in the car plant or almost unbelievable. Conditions according to the workmen, were practically unbelievable inside the car Soup prepared from rotting vegetables was served them, they declare by filthy negro waiters picked up from employment agencies in the slums of Pittsburg. Beds filled with vermin were given them to sleep on they declared while they were charged exorbitant prices for clothing, even two cent stamps selling at four for ten cents in the car company commissary. These stories were made the subject of affidavits in the government probe into alleged peonage conditions at the car plant.

ZEPPELIN LOSTS PROPELLER. Passed Altenburg at 3:38 p. m. Today Proceeding at Much Slower

Speed.

Altenburg, Germany, Aug. 28 .- Th

Zeppelin airship lost one of its propeliers near/Ronneburg. It passed here at 3:38 this afternoon but is proceding at greatly reduced speed. This accident will delay the arrival at Berlin. Bitterfield, Aug. 28.—The Zeppelin

airship landed here easily and sucevening.

New Jap. Cruisers.
Tokio, Aug. 28.—The government to be a consultation of physicians to discuss the illness of the distinguished patient, Harriman's friend would neithe raffirm or deny, but he mid he was sure no such consultation was held last night. ade its first departure from its recenely adopted program of naval cur-tailment today when it announced that three new cruisers will be con-structed for the Japanese pavy. Each of the ruisers will be of 5000 tons.

The Gazette-News Contest Is a Big Thing; Big Business Proposition, It Still Calls "Oppoptunity."

**KEEP TRUSTING TO LUCK:** YOU'LL BE AN UNDER DOG

Are You One of the "World-Owes-Mea-Living" Crowd ?-Then Expect Little, for That Is What You'll Get.

You have often heard of people who 'had no chance," no luck, no time. They envined their associates' wealth and position, and yet never really tried to win one of these things for themselves, but considered that the world swed them a living. So it is with ome would-be contestants, they say they never had any luck at anything they undertake, and never expect to. Blessed are they that expect nothing for verily they shall not be disappointcan make their own luck. Others are afraid of the other fellow and let him bluff them out of the race,

They say, "Old John Smith has so many votes, that I am sure I could flot win over him," when perhaps but few hours work will put them far in advance of John Smith.

On the other hand it is pleasant to know the idea of the contest expressed by a gentleman who determined to The Gazette-News contest the first of the week. He did not care had in reserve or published, he said that he had been thinking the matter over and the contest appealed to him as a good business proposition; so he decided to take the advice of the contest man and begun work at once: a little systematic work and untiring efforts for the next two or three weeks vould put him on an equal footing with any of those who have been rir culating ghost stories as to the milions and millions of votes some other fellow had. That is merely an example of gameness which enters in the general make up of men who succeed where others fail, in hig undertakings f the present day. But that gentleman will not be found conducting a coupon campaign. He will have his workers in the field securing new subscriptions, and there will be no half way measures in his work. He is the type of a man who says wants, why he wants it and gets it. It used to be generally accepted cry. That you could not regulate the Hquor traffic; you can't regulate the railroads and trusts." Fifty others things could not be done. Thereupon the people themselves, then the Arden, N. Y., Aug. 28 .- Evidence ernment, got busy and proceeded to continued to accumulate that prepa-

New York political forces said Hughes could not be nominated. just to show the bosses that no prejudice existed the people themselves nominated him. Hughes could not stop the race track gambling in New votes to overtop any competitor, The troopers, deputy sheriffs and settled by those outside the Harri- hugs that delusion to his breast and slacks up wark and stops, when at that time he could be piling up cotes cometimes a contestant stays under water a long time but when he comes to the surface his ideas regarding his

regulate

(Continued on page 2,)

## DEATH CHRISTENS **NEW MOTOR TRACK**

Harriman house yesterday is one picce Record for Nine Hours at Brighton Beach, One Killed, Three

Brighton Beach, N. Y., Aug. 28.— The record for the first nine hours of the 24 hour automobile race on the new motordrome track is one driver killed, one very badly injured, another painfully burned and a police crippled, having had both legs an

The record for speed and distance was fairly well held up during the early hours of the contest, but at the end of nine hours' racing, the leading

car, a Renault, with 431 miles to credit was 24 miles behind the re made here nearly a year ago.

Fully 15,000 persons were pre when the fatal annual occurred night, which crushed the life of Mechanician Leonard Cols. who